

1 Section 1. Recitals. The foregoing recitals are hereby ratified and
2 confirmed as being true and correct and are hereby made a part of this Ordinance
3 as legislative findings.

4 Section 2. City Code Amendment. Section 50-102 in Chapter 50, Article IV
5 of the City Code of Ordinances is hereby amended, all as follows (words that are
6 stricken out are deletions; words that are underlined are additions; stars * * * *
7 * indicate breaks between sections, subsections, or paragraphs and do not indicate
8 changes to the City Code; provisions not included are not being amended):

9 Sec. 50-102. - Accessory structures.

10 * * * * *

11 (b) *Fences and walls*.

12 * * * * *

13 (3)

14 *General requirements for fences, walls, and privacy screens*. No fence, wall or
15 privacy screen shall be installed, erected or maintained except in strict
16 compliance with the following requirements:

17 a. Metal fences, specifically manufactured as fencing, shall consist of new
18 materials manufactured and/or treated in a manner to prevent rust and corrosion.

19 b. Wood fences shall be constructed of new materials and painted, stained or
20 preserved in a manner to maintain the fence in good structural condition.

21 c. Plastic or other synthetic material fences shall be constructed of material
22 specifically manufactured as fencing, only new such materials shall be used and
23 they shall be treated and maintained in a manner to maintain the fence in good
24

1 structural condition and with an appearance that is aesthetically compatible with
2 the type of fence it represents.

3 d. Masonry walls shall be constructed of finished materials including, but not
4 limited to, concrete masonry units, precast concrete panels, bricks, concrete,
5 stucco, or stone.

6 e. Privacy screens shall be an integral part of the design of and have an
7 architectural texture, color, and material compatible with the residence on the
8 property.

9 f. The City may apply discretion for fence and wall permit issuance regarding fence
10 materials used among different yards.

11 * * * * *

12 (5) *Maximum height and permitted locations of fences, walls, and privacy*
13 *screens.*

14 a. Except as provided in subsection (b) (5)b of this section, fences and walls
15 shall be limited to a maximum height of six feet above the natural grade in the
16 rear and side yards. ~~No fences or walls shall be permitted in front yards. The~~
17 ~~maximum height for a front yard fence or wall shall be four feet above the natural~~
18 ~~grade. In the front yard, chain link fences shall be prohibited. Refer to section~~
19 ~~41-4 regarding definitions of yards.~~

20 1. All gates shall maintain a minimum setback of 20 feet from the edge of the
21 roadway. Roadway shall indicate the improved or paved portion, but does not
22 include the entirety, of the right-of-way.

23 b. A maximum fence height of eight feet shall be permitted in the following
24 situations:

1 1. The property line along which the fence will be installed abuts a boat ramp
2 facility, public park, or commercially zoned property.

3 2. The property owner constructing the fence has obtained the written consent
4 of all owners of property that either share a property line and property corner
5 along which the fence or wall will be installed and of any owner of the property
6 with a property line within 50 feet of the fence or wall to be installed.

7 c. Residential property owners shall not construct an additional fence or wall
8 that abuts any subdivision or commercial screening wall and can be viewed from the
9 abutting public right-of-way, street, sidewalk, or abutting other public access
10 areas.

11 * * * * *

12 (7) *Construction of fences or walls near Lake Conway.* No fence or wall located
13 within 35 feet of ~~the 86.9 contour line of Lake Conway's~~ normal high water line
14 shall exceed four feet in height.

15 (8) *Location along lot lines.* A structural fence or wall shall be erected so
16 that the entire fence and all supporting structures are entirely on the owner's
17 property. Fence posts and all other supporting structures, as well as the rough
18 side of the fence, if any, shall face the owner's property, except when said fence
19 separates a residential lot from a business or industrial lot. No inspection or
20 ~~any~~ permit issued by the city shall be any evidence or guarantee that the fence
21 has been so correctly located on the subject property.

22 * * * * *

23 (13) *Obstruction of visibility.* No fence or wall shall be constructed, nor shall
24 anything be placed, planted or allowed to grow in such a manner as to obstruct or
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1 impair visibility of oncoming vehicular or pedestrian traffic from any intersecting
2 street, driveway or alley way.

3 a. An area clear of sight obstructions shall be provided between the height of 2.5
4 and 8 feet.

5 b. A clear view triangle for a driveway is formed on each side of the driveway by
6 measuring the distance of 70 feet along the right-of-way and 10 feet along the edge
7 of the driveway.

8 (14) *Existing fences.* Any fence or wall which is erected and in violation of this
9 chapter at the time of its passage shall be exempt from the requirements of this
10 chapter, excluding those requirements of 50-102(b)(11), unless such fence or wall
11 is deemed a traffic or safety hazard.

12 (15) *Nonconforming fences.* All fences, walls, or privacy screens in violation of
13 this chapter at the time of its passage shall be governed by the following
14 conditions: Any fence, wall, or privacy screen that is in violation of the section
15 and is determined to be a traffic or safety hazard shall be made to conform to
16 this chapter three months from such determination. No portion of a nonconforming
17 fence, wall, or privacy screen shall be enlarged, extended, or structurally
18 altered except to make it conform to this chapter.

19 * * * * *

20 (17) Overlay Districts.

21 a. Hoffner Avenue

22 1. Fences and walls abutting Hoffner Avenue shall be limited to a maximum
23 height of six feet above the natural grade in the front yard.

1 2. All gates shall maintain a minimum setback of 20 feet from the right-of-way
2 line abutting the private property line.

3 3. Lake Conway Estates Sub-overlay

4 i. Masonry walls within Lake Conway Estates adjoining Hoffner Avenue shall be
5 limited to a maximum height of eight feet above the natural grade within the
6 right-of-way, provided the wall conforms to the Belle Isle approved wall materials
7 and design requirements.

8 ii. A masonry wall may encroach within the northerly five feet and southerly
9 five feet of the Hoffner Avenue right-of-way in Lake Conway Estates, or a maximum
10 encroachment of ten feet with the City Council approval, providing that the wall
11 accommodates existing trees and utilities in the surrounding area and aligns with
12 the existing subdivision wall.

13 iii. All privately owned fences and walls shall be located on such private
14 property, shall not encroach into the Hoffner Avenue right-of-way, and must meet
15 all other requirements of this section.

16 b. Daetwyler Drive

17 1. Property owners may build an opaque fence or wall in the front yard at a
18 maximum height of six feet from the grade as it abuts the Daetwyler Drive right-
19 of-way.

20 2. All gates shall maintain a minimum setback of 20 feet from the right-of-way
21 line abutting the private property line.

22 Section 3. Codification. Section 2 of this Ordinance will be incorporated into
23 the Belle Isle City Code. Any section, paragraph number, letter and/or any
24 heading may be changed or modified as necessary to effectuate the foregoing.

1 Grammatical, typographical, and similar or like errors may be corrected, and
2 additions, alterations, and omissions not affecting the construction or meaning
3 of this Ordinance and the City Code may be freely made.

4
5 Section 4. Severability. If any section, subsection, sentence, clause, phrase,
6 word, or provision of this Ordinance is for any reason held invalid or
7 unconstitutional by any court of competent jurisdiction, whether for substantive,
8 procedural, or any other reason, such portion shall be deemed a separate,
9 distinct, and independent provision, and such holding shall not affect the
10 validity of the remaining portions of this Ordinance.

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12 Section 5. Conflicts. In the event of a conflict or conflicts between this
13 Ordinance and any other Ordinance or provision of law, this Ordinance governs and
14 controls to the extent of any such conflict.

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16 Section 6. Effective Dates. This Ordinance shall become effective immediately
17 upon adoption by the City Commission of the City of Belle Isle, Florida (the
18 "Effective Date") and shall apply to all applications for permits received on or
19 after the Effective Date.

20
21 First Reading held on September 3, 2024.

22 Second Reading held on October 15, 2024.

1 ADOPTED at a regular meeting of the City Commission of the City of Belle Isle,
2 Florida, held in City Hall, Belle Isle, on this _____ day of _____,
3 2023.

	YES	NO	ABSENT
4 Frank Vertolli	_____	_____	_____
5 Holly Bobrowski	_____	_____	_____
6 Danny Otterbacher	_____	_____	_____
7 Jason Carson	_____	_____	_____
8 Beth Lowell	_____	_____	_____
9 Stanley Smith	_____	_____	_____
10 Jim Partin	_____	_____	_____

11
12
13 ATTEST: _____ CITY OF BELLE ISLE
14 Yolanda Quiceno, CMC-City Clerk _____
15 Nicholas Fouraker, Mayor

16 _____
17 Approved as to form and legality
18 For use and reliance by
19 City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle, do hereby certify that
4 the above and foregoing document ORDINANCE 24-04 was duly and legally passed by
5 the Belle Isle City Council, in session assembled on the _____ day of
6 _____ 2024. At this session, a quorum of its members was present.

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9 _____
Yolanda Quiceno, CMC-City Clerk

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